

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RODGER JENKINS and GREGORY JONES :
:
Plaintiffs, :
:
-against- : 19-CV-1774 (VEC)
:
XPRESSPA GROUP, INC., :
:
Defendant. :
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USDC SDNY
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VALERIE CAPRONI, United States District Judge:

WHEREAS on May 17–18, 2021, the Court conducted a remote bench trial on Plaintiff Gregory Jones' breach of contract claim with respect to § 2.5(ii) of the SPA;

IT IS HEREBY ORDERED that, for the reasons stated on the record at trial, the Court finds for Defendant on Jones' breach of contract claim as to § 2.5(ii) of the SPA and will enter judgment for Defendant on that claim.

IT IS FURTHER ORDERED that, as stated at trial, the parties, including Plaintiff Jenkins, must confer and submit a proposed form of final judgment not later than **May 26, 2021**.

IT IS FURTHER ORDERED that the Court made two minor misstatements in its oral presentation of its findings of fact and conclusions of law. In the Court's findings of fact, in the paragraph starting, “Eventually, as set out in section 2.3,” the Court mistakenly stated that “only until the total Gross Profit reached **\$5 million**,” when the Court meant to say “**\$6 million**.” Additionally, in the Court's conclusions of law, the Court stated that “There is no evidence in the record that the legacy Excalibur accounts ever reached the Gross Profit benchmarks contained in

section 2.5 by the end of the earn-out period," when the Court meant to say "**section 2.3.**" The Court Reporter is respectfully directed to note these errata in the official trial transcript.

SO ORDERED.

Date: May 18, 2021
New York, New York


VALERIE CAPRONI
United States District Judge